

### ***Remarks***

Claims 9, 10, 15, 19 and 22 were pending.

Claims 9, 10, 15, 19 and 22 are rejected.

Claim 25 is new.

Claims 9, 10, 15, 19, 22, and 25 are pending.

### ***Claim Amendments***

Claim 25 is new. Support for the new claim can be found in the application as filed, for example, on page 8 and Figure 3. No new matter has been added.

### ***Objections to the Specification***

The Examiner stated claim 22 recites an article of computer-readable media. See Office Action dated June 8, 2009, p. 4. Claim 22 recites “an article of machine readable instructions that, when executed, cause the machine to:...” Page 10 of the application describes such machine readable code.

The Examiner objected to the specification in that claims 15, 19 and included elements reciting that “the functionality implemented on the other cards is presented to the functionality implemented on the card as a process running on the card.” The Examiner is referred to p. 8, 1<sup>st</sup> and 2<sup>nd</sup> full paragraphs, for example. In particular, “The OSPF controller ‘believes’ that it is communicating directly with the OSPF worker, making the distribution transparent.” Application, p. 8, ll. 7-9.

Thus, the specification provides clear support for the claim terms. The Applicant respectfully requests that the Examiner withdraw the objections to the specification.

### ***Claim Rejections - 35 USC § 103***

Claims 9, 10, 15, 19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Everdell (US Publication 2002/0165961) further in view of Crump (US Patent 6999454).

In the rejections of the claims, the Examiner is apparently referring to an earlier version of the claims. For example, in the rejection of claim 15, the Examiner recites “a controller control plane module,” “a worker control plane module,” “a portion of the control plane protocol module that is separated from the core functionality,” and the like.

Although these elements existed in claim 15 prior to the response filed April 3, 2009, these elements no longer exist in the claim 15. The Examiner has also referenced elements of claims 19 and 22 no longer present in claims 19 and 22.

Moreover, the Examiner has provided factual findings regarding claims 7, 8, 11, 12, 13, and 14. Claims 7, 8, 11, 12, 13, and 14 were cancelled in the response filed April 3, 2009.

The Examiner is reminded that the factual inquiries for determining obviousness include ascertaining the differences between the claimed invention and the prior art. In particular "Ascertaining the differences between the claimed invention and the prior art requires interpreting the claim language, see MPEP § 2111, and considering both the invention and the prior art as a whole. See MPEP § 2141.02." See MPEP 2141.

In particular, the Examiner cannot have interpreted the claim language if the Examiner's factual findings regarding the claim language used the claim language as it existed *prior to the last response*.

Furthermore, the Examiner is reminded that "Distilling an invention down to the "gist" or "thrust" of an invention disregards the requirement of analyzing the subject matter "as a whole."" MPEP2141.02. By addressing the previous elements of the claims, the Examiner has disregarded the express elements of the pending claims.

The Applicant respectfully requests that the Examiner withdraw the improper rejections and provide new grounds of rejections for the rejected claims.

Moreover, claim 15 recites that "each of the control card and the at least one forwarding card is configured to obtain information about the functionality of the control plane protocol and to setup connections among the functionality of the control plane protocol implemented on the control card and the at least one forwarding card such that the functionality implemented on the other cards is presented to the functionality implemented on the card as a process running on the card." Claims 19 and 22 include similar elements

The Examiner cited various sections of Everdell to teach these elements; however, the cited sections do not address the connections among the functionality of the control plane protocol implemented on a control card and at least one forwarding card as recited in claim 15. For example, paragraph 109 references generic inter-process communication, not communication between cards. Paragraph 125 describes a database, not an API as

cited by the Examiner. Paragraph 470 recites a library of code; however, there is no mention of any communication between cards.

The addition of Crump does not cure the deficiencies of Everdell. In particular, Crump describes a DRTM as a processor which broadcasts an update route message, for example. The DRTM sends this message over the control bus. That is, the communication between cards is not presented as a process on each card; rather the cards respond to messages over the control bus. See Crump, Fig. 12, and col. 9, ll. 25-35.

Furthermore, as described above, the Examiner is reminded that “Distilling an invention down to the "gist" or "thrust" of an invention disregards the requirement of analyzing the subject matter "as a whole."” MPEP2141.02. By disregarding the express claim language related to the functionality implemented on the cards, and the claim language that “each of the control card and the at least one forwarding card” is so configured, the Examiner is again distilling the claim language down to a gist.

In addition, claim 15 recites that “each of the control card and the at least one forwarding card is configured discover other cards of the control card and the at least one forwarding card.” The Examiner did not address this element anywhere in the Office Action dated June 8, 2009.

Accordingly, the Applicant respectfully requests that the Examiner withdraw the rejection of claims 9, 10, 15, 19, and 22.

Furthermore, claim 25 recites additional elements not taught by Everdell and Crump.

***Conclusion***

For the reasons presented above, reconsideration and allowance of the pending claims is requested. Please telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

**Customer No. 32231**

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

A handwritten signature in black ink, appearing to read 'Derek W. Meeker', with a stylized flourish at the end.

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